BOARD OF GOVERNORS OF CONCORDIA UNIVERSITY

MINUTES, OF THE OPEN SESSION OF THE MEETING OF THE BOARD GOVERNORS, HELD ON WEDNESDAY, 15 NOVEMBER 1989, IMMEDIATELY FOLLOWING THE CLOSED SESSION, IN ROOM GM-407-1, SGW

Attendance:

Present: Me A. Gervais, Chairman, Mr. B. Aune, Prof. B. Barbieri, Ms. M. Donaldson, Mr. J. N. Economides, Mr. L. Ellen, Dr. T. Fancott, Prof. M. Foster, Prof. S. Friedland, Dr. D. B. Frost, Chief Justice A. B. Gold, Mr. R. K. Groome, Dr. H. Habib, Mr. T. Hecht, Ms. L Honosutomo, Mr. P. Ivanier, Dr. P. Kenniff, Mr. R. Lawless, Sister E. McIlwaine, Mr. D. McIninch, Mr. D. W. McNaughton, Mr. A. H. Michell, Mr. A. Mohammed, Mr. S. O'Hara, Me J. J. Pepper, Mr. M. Saidou, Ms. A. Wilson Wright.

Officers of the University: Dr. M. Cohen, Dr. C. Giguère, Dr. R. Sheinin, Me B. Gaudet

Absent: Mr. M.J. Bourgault, Ms. L. Brodrick, Mme M. J. Drouin, Mr. J. R. Firth, Mr. P. Howlett, Mr. F. Knowles, Mr. J. H. Smith, Mr. W. W. Stinson, Mr. C. I. Taylor, Me M. Vennat, Ms. S. Woods.

DOCUMENTS CONSIDERED AND ATTACHED TO THESE MINUTES:

BG-89-9-D74	-	Draft Policy on Copyright Compliance and Summary of the Copyright Act of Canada
BG-89-9-D74-1	-	Memo from Mr. J. Noonan concerning the formal recognition of the Centre interuniversitaire de recherche en Calcul mathématique algébrique
BG-89-9-D75	-	Address by Dr. P. Kenniff to a joint meeting of the Board of Governors and Senate, dated Monday, 30 October 1989
BG-89-9-D76	-	Summary of the Responsibilities and Mandate of the Standing Committees
BG-89-9-D77	-	Memo from Prof. John Ryan, Secretary of CUFA, re: motions passed at the CUFA Council meeting of 6 November 1989

1.1 The Chairman waived his remarks.

1.2 The Agenda was approved as submitted.

1.3 Approval of the Minutes

Mr. McNaughton moved the adoption of the minutes of the last meeting, seconded by Mr. Ivanier.

Prof. Barbieri stated that a question he had raised in connection with the Report of the Audit Committee had been omitted from the minutes at page 3. He was asking whether there was any justification for the relatively high increase in administrative expenses as compared with the relatively low increase in academic expenses.

Me Gervais commented that it was up to the Secretary of the Board to decide on the relevance of the questions and of the issues which are to be recorded in the Minutes. The idea was to make a summary or synthesis of the various discussions, rather than recording verbatim all the interventions. If anything, in the view of some external members of the Board, the Minutes should be shorter, more like the corporate business model. Nevertheless, if Prof. Barbieri could provide the exact wording of his question, the Board would vote on whether to include it as an amendment to the Minutes.

It was moved and seconded (Barbieri, Foster) and unanimously RESOLVED:

R89-103 *THAT the Minutes of the Open Session of the meeting held on 18 October 1989 be amended so as to include at page 3, immediately after the report by Mr. Knowles, the addition of the following two paragraphs:*

"Professor Barbieri, in noting the relatively low annual increase in the academic expenditures of the Statement of Expenses in the Financial Statements, asked Dr. Cohen if there was any particular reason for the relatively high annual increase in the "administrative expenses" category of that same statement.

Dr. Cohen replied that the difference was the result of the reintroduction in the Operating Budget of the Office of Advancement, which had been moved to the Restricted Fund for the duration of the Capital Campaign."

Ms. Wilson Wright stated that while her intervention was adequately reported at page 2, item 3 of the Minutes, only part of Mr. Lawless' answer had been recorded. Actually, Mr. Lawless had assured the Board that he would speak to the Actuaries and that any future report by them would be in non-sexist (or inclusive) language. Ms. Wilson Wright requested that there be an addition to the Minutes in order to reflect the full statement. The Minutes will be modified accordingly.

It was moved and seconded (McNaughton, Ivanier) and unanimously RESOLVED:

R89-104 *THAT the Minutes of the Open Session of the meeting held on 18 October 1989 be approved as amended.*

2. There was no business arising from the last Minutes.

3. Approval of a Proposed Policy on Copyright Compliance

Before moving the motion, Dr. Kenniff explained the general context of the proposed policy. He said the new Copyright Act of 1988, which has been in force for several months, had increased the rights of authors and creators, hence it had a number of implications with respect to the obligations of users in the day to day operations of the University. The proposed policy (Document BG-89-9-D74) was an excerpt from a broader Background Paper prepared by the Secretary-General and which had been submitted to consultation for over a year with various Senate Committees and the Faculty Councils. It has now been adopted by Senate and forwarded to the Board for its approval. The reason this policy had not been brought forward before was that we were waiting for the second stage of copyright revision, which was expected to deal with specific exemptions for educational institutions and libraries. As we are now informed that this second phase has been postponed to the Spring of 1990, it has been decided to go ahead with the adoption of the policy. The users need assistance and guidelines as to the extent of their obligations, and this document is an attempt to adapt the requirements of the Copyright Act to the realities of the University.

In the ensuing discussion, Dr. Habib requested a modification at page 3, item 2 of the Policy Statement: the words "faculty members" should be added to avoid any ambiguity. The last line of item 2 will be modified so as to read as follows:..."in order to ensure such compliance by faculty members, non-academic staff members, students, and all members of the University community."

Ms. Honosutomo then read a statement, on behalf of CUSA, to the effect that the University had not protected its students from the effects of the copyright legislation. She said the students obviously did not like the Copyright Act, insofar as it restricts access to copyrighted material and thus represents a hindrance to their learning efforts, because they will no longer have the right to photocopy passages from books they cannot afford to buy. She asked the Rector whether any representations could be made with a view to alleviating the situation.

Dr. Kenniff answered that representations had already been made to the Federal Government, over the past two years, by the AUCC on behalf of all the Canadian universities, and also by the CAUT (Canadian Association of University Teachers). Both types of representations, however, had been unsuccessful. Since it seems more and more likely that the universities cannot hope to obtain a general exemption which would have solved all our problems, we might be granted specific exemptions in the second stage of copyright revision. But nothing prevents the student associations from making their own separate representations, if they wish to do so.

Prof. Barbieri stated that in the Faculty of Commerce and Administration, a lot of material used for course purposes was taken from American textbooks and periodicals.

He asked whether the users were subject to the American copyright legislation which, he understood, was more lenient than the Canadian law, and, if so, what were the implications for faculty members and students. Me Gaudet answered that the matter of copyrights owned by citizens of another country was covered by an international treaty called the "Convention de Berne", which both Canada and the United States had signed, but that other than that she would decline to answer the question because it is too complex and should be looked into by an expert on copyrights.

Ms. Wilson Wright asked whether the University's employees would be receiving guidelines soon; also will these guidelines be distributed to everyone, and who will be responsible for ensuring they are respected? Me Gaudet answered that indeed she was preparing administrative guidelines which will be issued to all personnel members involved in the application of the Act by virtue of their duties. She said she hoped to be able to distribute these guidelines, together with other information material, some time in December, as the compliance policy will become effective on 1 January 1990.

It was moved and seconded (Kenniff, McIlwaine) and unanimously RESOLVED:

R89-105 *THAT on the recommendation of Senate, the Proposed Policy on Copyright Compliance, together with the attached Summary of the Copyright Act, as set out in Document BG-89-9-D74, be approved and become effective on 1 January 1990.*

4. Approval of the Formal Recognition of the Centre Interuniversitaire de recherche en calcul mathématique algébrique

Prof. Barbieri moved the motion, seconded by Dr. Fancott.

Dr. Sheinin said there was something missing from the resolution; there should be a second paragraph which deals with the implementation of the Centre once it has been formally recognized by Senate and the Board.

After a brief discussion, it was agreed that the motion should read exactly as the motion approved by Senate on 3 November 1989, i.e. that it should include a second paragraph dealing with a mandate given to Dr. Sheinin.

Accordingly, the mover and seconder of the motion agreed to withdraw it and to move a second, revised motion.

It was moved and seconded (Barbieri, Fancott) and unanimously RESOLVED:

R89-106 *THAT, on the recommendation of Senate, the Centre interuniversitaire de recherche en calcul mathématique algébrique be formally recognized; AND*

THAT the Vice-Rector, Acaemic proceed to establish a plan for the academic, budgetary and space requirements of the Centre, and report on that plan to Senate.

5. Approval of a new Cadastral Plan in connection with the Downtown Library Project

Mr. Ivanier, who was moving the motion, explained that this was a housekeeping matter. The purpose of the change in the cadastral plan was mainly to account for the fact that the lane located on the construction site was now owned by Concordia University in full ownership, therefore should no longer be characterized as a public lane and should be integrated to the rest of the property owned by Concordia.

It was moved and seconded (Ivanier, Aune) and unanimously RESOLVED:

R89-107 *WHEREAS at a meeting held on 3 November 1988, the Executive Committee of the Board of Governors approved the transfer, by the City of Montreal to Concordia University, of a lane located on the Downtown Library Project, and also approved a Cadastral Plan establishing the creation of a new original lot;*

WHEREAS the Board of Governors, at a meeting held on 16 November 1988, ratified and confirmed the two resolutions passed by the Executive Committee; AND

WHEREAS now that Concordia University owns the said lane in full ownership, it has become necessary to modify the Cadastral Plan in order to reflect the fact that this piece of land is no longer a public land and should now be integrated to the rest of the University's property located on de Maisonneuve Boulevard between Bishop and MacKay Streets.

BE IT RESOLVED:

THAT the new Cadastral Plan, prepared by Mr. Marc Lasnier, Quebec Land Surveyor, and dated 28 April 1989, showing the correction of lots 1703-1 and 1701 A of the St-Antoine Ward in the City of Montreal, and the replacement of original lot 2433 and of parts of lots 1703-1, 1701 A and 1703 of the said St. Antoine Ward, which will henceforth be known and designated as original lot number 2441 of the St. Antoine Ward in the City of Montreal, be approved; AND

THAT Dr. Patrick Kenniff, Rector and Vice- Chancellor, be authorized to sign the said Cadastral Plan for and on behalf of the University.

6. Report of the Rector

6.1 With respect to the Downtown Library Project, Dr. Kenniff announced that the calls for tenders had been published and that the bids will be opened on 6 December 1989, at 5:00 p.m.

6.2 A joint meeting of the Board of Governors and Senate had been held on 30 October 1989. A copy of the Rector's address to that meeting had been circulated to all Board members for information.

6.3 Dr. Kenniff reported that the Inaugural Lecture for the Chair in Hindu Studies had taken place on Friday, 3 November 1989, on which occasion the Hon. Gerry Weiner, Secretary of State and Minister of State for Multiculturalism and Citizenship, had announced a federal contribution of $400,000 towards the funding of the Chair. The event was attended by over 500 people. 6.4 Dr. Kenniff informed the Governors that on the same evening, 15 November, Mr. Alain Peyrefitte, the well-known French politician and writer, would be giving a lecture on China at Concordia. The event was hosted jointly by the Jean H. Picard Foundation and the Department of Political Science, chaired by Dr. Henry Habib. All the Governors were welcome to attend.

7. Report of the Vice-Rectors

7.1 Dr. Sheinin reported that the new programme of Masters of Engineering in Aeronautics and Space had been launched on 9 November 1989, and that the event had been very successful. She was particularly happy that many representatives of industry were there to show their support. Dr. Sheinin said the courses in the new programme were scheduled to begin in the Fall of 1990.

Dr. Cohen and Dr. Giguère said they had nothing to report.

9. Any Other Business

Dr. Fancott said he had been asked by the Executive of CUFA to present to the Board of Governors a motion which had been adopted at CUFA's 6 November meeting, dealing with the issue of evaluation and search committees for Deans and other senior administrators. Essentially, what the resolution implied was that there should be only Advisory Search Committees from now on. Dr. Fancott said that he felt it was important that this matter be brought to the attention of the Board and fully discussed by the Governors, albeit at a later date. He asked the Chairman whether he had to move a motion to table the document.

Me Gervais replied that a motion was not necessary, since the Rector, the Chairman and the Secretary-General had been informed and given the relevant documents. He said the Board would take the matter under advisement and perhaps create an ad-hoc Committee with the mandate of examining the issue. The findings of this Committee would be reported to the Board at a further meeting. In the meantime, the Rector and the Chairman were mandated to meet with the president of CUFA, Ms. Joy Bennett.

11. The next meeting will take place on Wednesday, 20 December 1989, at 8:00 a.m., in Room GM-407-1.

There being no other business, the meeting terminated at 9:10 a.m.

Bérengère Gaudet,
Secretary of the Board of Governors